

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**MARY PRZYTULA and BRAD BREDE, on
behalf of themselves and all others similarly
situated,**

Plaintiffs,

v.

BED BATH & BEYOND INC.,

Defendant.

No. 17 Civ. 5124

DECLARATION OF DEBBIE PRZYBOCKI

I, Debbie Przybocki, based on my personal knowledge of the facts stated herein, testify
by Declaration as follows:

1. I am over the age of 18 and am otherwise competent to testify to the matters contained in this Declaration, and if so called, would testify to the facts below.
2. All of the statements in this Declaration are true and accurate to the best of my knowledge.
3. The facts set forth in this Declaration are based on my own personal knowledge.
4. I became employed by Bed Bath and Beyond Inc. ("BBB") in 1993 as a Department Manager I was then promoted to District Human Resources Manager in 1997, and again promoted to a Regional Human Resources Manager in 2002. Presently, I am the Regional Director of Human Resources for the Southeast Region and have served in that role since 2007. The Southeast Region includes stores in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky,

Mississippi, Missouri, Ohio, South Carolina, Tennessee, and in Puerto Rico. There are currently 192 stores in my total Region.

5. One of the Plaintiffs in this action, Johnny Mitchell, worked in my stores during his time as an Assistant Store Manager.

6. When Assistant Store Managers warn or discipline associates, they must do so in writing, and copies of the same are maintained in the personnel files of the associates that receive the warning or discipline. Attached hereto as Exhibit 1 are true and accurate copies of documents from various associates' personnel files of Johnny Mitchell's warning and disciplining of associates.

7. Assistant Store Managers are also required to complete performance reviews for the associates they supervise. Copies of these performance reviews are also maintained in the personnel files of the associates that receive the performance reviews. Attached hereto as Exhibit 2 are true and accurate copies from various associates' personnel files of performance reviews conducted by Johnny Mitchell.

8. When Assistant Store Managers are terminated, Store Managers usually document the termination and a copy of the termination documents are maintained in the Assistant Store Manager's personnel file. Johnny Mitchell was terminated for creating fraudulent returns and stealing money from a customer's wallet that was left in a safe. True and accurate copies of the termination related documents for Johnny Mitchell are attached hereto as Exhibit 3.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of December, 2017.

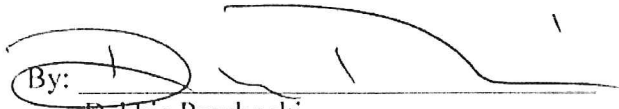
By: 
Debbie Przybocki
Regional Director of Human Resources
Bed Bath and Beyond Inc.

EXHIBIT 1

ASSOCIATE DISCIPLINARY NOTICE

REDACTED

Associate's Name _____

Date: 4/02/15Date of hire: 9/7/14SS#: xxx-xx
(last four digits only)Store #: 1094

Circle one: Termination

Warning

A. Reason(s) for notice (check applicable reasons and explain in section B):

- | | |
|--|-------------------------------------|
| 1. () Absence (indicate if unreported, excessive, etc.) | 4. () Failure to follow directions |
| 2. (X) Tardiness | 5. () Violation of company rules |
| 3. () Improper conduct | 6. () Other |

B. Facts leading to the discipline (Be specific, stating detailed explanation of incident, date/time of incident, witness(es), rule violated, etc; refer to any previous verbal and/or written warning(s).)

from 11/17/14 - 3/30/15 REDACTED has been late for her work shift (15) times REDACTED has been counseled about her time and attendance. These actions violate Bed, Bath, and Beyond's policies, procedures, and standards and affect the level of customer service that we can offer.

C. Describe the Company's expectations of associate:

REDACTED and all Bed, Bath, and Beyond associates are expected to follow all company policies, procedures, and standards, including working their scheduled shifts. Is expected to demonstrate immediate and consistent improvement in attendance and punctuality.

D. Next disciplinary step: Continuation of this conduct or any other violation of company standards may result in further disciplinary action, up to and including termination.

[Signature] 4/4/15
Manager's Name Date

Manager's Name Date

REDACTED

[Signature]
Associate's Signature Date
(This signature indicates that associate is aware of this notice.)

Manager's Signature Date

Manager's Signature Date

4/4/15

(Once completed and signed, file in associate's personnel file.)

HR 026A 11/11

ASSOCIATE DISCIPLINARY NOTICE

Associate's Name REDACTED Date: 6/8/15
 Date of hire: 9/7/14 SS#: xxx-xx Store #: 1094
 (last four digits only)

Circle one: Termination Warning

A. Reason(s) for notice (check applicable reasons and explain in section B):

- | | |
|--|-------------------------------------|
| 1. () Absence (indicate if unreported, excessive, etc.) | 4. () Failure to follow directions |
| 2. (X) Tardiness | 5. () Violation of company rules |
| 3. () Improper conduct | 6. () Other |

B. Facts leading to the discipline (Be specific, stating detailed explanation of incident, date/time of incident, witness(es), rule violated, etc; refer to any previous verbal and/or written warning(s).)

from 4/2/15 - 6/7/15 REDACTED has been late for her scheduled work shift 8 times 4/10, 4/19, 4/26, 4/27, 5/3, 5/23, 5/25, 5/31, 6/1, 6/6. REDACTED has been counseled about her time and attendance. These actions violate Bed, Bath, and Beyond's policies, procedures, and standards and effect the level of customer service that we can offer.

C. Describe the Company's expectations of associate REDACTED

and all Bed, Bath, and Beyond associates are expected to follow all company policies, procedures, and standards. Including working their scheduled shifts. Veronica is expected to demonstrate immediate and consistent improvement in attendance and punctuality.

D. Next disciplinary step: Continuation of this conduct or any other violation of company standards may result in further disciplinary action, up to and including termination.

Johnny Mitchell 6/8/15
 Manager's Name Date

Manager's Name Date

REDACTED

Associate's Signature Date
 (This signature indicates that associate is aware of this notice.)

Manager's Signature Date

Manager's Signature Date

(Once completed and signed, file in associate's personnel file.)

EXHIBIT 2



REDACTED

MERCHANDISING / STOCK (Page 1 of 2)

Name _____

Store #: 1094 Date of review: 1-15-15

90 DAY REVIEW DUE: _____

Circle review type & Indicate Date Due:

OTHER (_____ Review) due: _____

ANNUAL REVIEW DUE: _____

DATE OF HIRE: _____

THIS PERFORMANCE REVIEW IS BEING PREPARED BY AND/OR A RESULT OF INPUT FROM THE FOLLOWING MANAGERS:

Printed Name Johnny Mitchell Signature [Signature] Position A.S.M. HandsalePrinted Name Hector Olague Signature [Signature] Position S.H.

Printed Name _____ Signature _____ Position _____

Printed Name _____ Signature _____ Position _____

Printed Name _____ Signature _____ Position _____

Printed Name _____ Signature _____ Position _____

KEY: E - Excellent, V - Very Good, G - Good, N - Needs Improvement, U - Unacceptable

(Draw a line through any skill which isn't applicable.)

Choose one rating

E V G N U**CUSTOMER SERVICE SKILLS**

- * Understands that the customer is our main priority and consistently maintains a customer focus.
- * Ensures a prompt, friendly approach to all customers.
- * Escorts customers seeking location(s) of specific merchandise.
- * Is alert to customer needs and offers a cart whenever appropriate.
- * Responds quickly to customer inquiries and "Passes the Buck" whenever necessary.
- * Complies with Bridal and Gift Registry program standards when servicing both registrants and guests.
- * Determines customer needs and works to add-on sell.
- * Has developed good product knowledge; keeps abreast of new items and utilizes this knowledge to enhance service.
- * Answers the phone promptly and uses proper phone etiquette.

E V G N UE V G N UE V G N UE V G N UE V G N UE V G N UE V G N UE V G N UE V G N UE V G N U**TEAM SKILLS**

- * Demonstrates initiative and completes projects in a timely manner.
- * Accepts constructive criticism and acts upon it.
- * Maintains a positive outlook toward job.
- * Communicates effectively with Management and other associates.
- * Works the schedule set by the Manager but demonstrates flexibility when needs of the business dictate.
- * Is a team player.
- * Exhibits professional manner, dress and appearance at all times.

E V G N UE V G N UE V G N UE V G N UE V G N UE V G N UE V G N UE V G N U**MERCHANDISING & DEPARTMENT MAINTENANCE**

- * Works to maintain selling floor standards and recovery of the department.
- * Is aware of product sell through and completes pull lists.
- * Demonstrates good product knowledge and uses the information to merchandise the selling floor effectively.
- * Understands and utilizes JDA to resolve selling floor inquiries.
- * Adheres to shortage reduction and compliance procedures.
- * Safely handles equipment and maintains safety awareness.

E V G N UE V G N UE V G N UE V G N UE V G N UE V G N UE V G N U

MERCHANDISING / STOCK (Page 2 of 2)

1. ATTENDANCE & PUNCTUALITY:

Acceptable _____ Not Acceptable _____

2. GOALS AND OBJECTIVES

Objectives Accomplished

List the specific goals and objectives accomplished by the associate during the appraisal period, compared with the results expected from goals established at previous review or during the period.

REDACTED has consistently demonstrated her product knowledge and ability to merchandise her departments. She is currently learning how to effectively use suggested ordering as a tool to increase sales opportunities.

Unaccomplished Objectives

List the specific goals and objectives not accomplished by the associate during the appraisal period, compared with the expected results as defined in previous review or during the period.

Goals and Objectives for next Review Period:

Identify 2-3 quantitative and/or qualitative goals or objectives the associate should focus on during the next review period. (For each goal or objective indicate how accomplishment of goal/objective will be measured and indicate target date for accomplishments.)

REDACTED needs to increase her beyond store production to an average of 5 per shift (full time).

REDACTED needs to demonstrate a ~~thorough~~ thorough command of POS and RF scanner (suggested orders) to reduce shortages on the sales floor and increase profitability.

Strengths and Weaknesses:

Describe any of the associate's strengths or weaknesses which you feel are materially related to their performance and which are not addressed elsewhere in this review.

REDACTED is a strong leader with a great work ethic. She has demonstrated the ability to plan and execute her plan in a timely manner. **REDACTED** needs to improve her punctuality to report to work at her scheduled time consistently.

3. OVERALL RATING FOR PERIOD

Circle one rating
E V ☒ G N U

Date of Review: 1-15-15

REDACTED

Reviewed associate's signature after review conference:

Signature

Date

Reviewer's signature after review conference:

Signature

Date

Reviewer's Printed Name

Date



REDACTED

MERCHANDISING / STOCK (Page 1 of 2)

Name:

Store #: 1094 Date of review: 2-17-1590 DAY REVIEW DUE: 2-1-15

Circle review type & Indicate Date Due:

OTHER (_____) Review) due: _____

ANNUAL REVIEW DUE: _____

DATE OF HIRE: 11-16-14

THIS PERFORMANCE REVIEW IS BEING PREPARED BY AND/OR A RESULT OF INPUT FROM THE FOLLOWING MANAGERS:

Printed Name: Johnny Mitchell Signature: [Signature] Position: ASM

Printed Name: Hector Olaya Signature: [Signature] Position: SM

Printed Name: _____ Signature: _____ Position: _____

Printed Name: _____ Signature: _____ Position: _____

Printed Name: _____ Signature: _____ Position: _____

Printed Name: _____ Signature: _____ Position: _____

KEY: E - Excellent, V - Very Good, G - Good, N - Needs Improvement, U - Unacceptable

Choose one rating

E V G N U

(Draw a line through any skill which isn't applicable.)

CUSTOMER SERVICE SKILLS

* Understands that the customer is our main priority and consistently maintains a customer focus.	E	V	G	<u>N</u>	U
* Ensures a prompt, friendly approach to all customers.	E	V	<u>G</u>	N	U
* Escorts customers seeking location(s) of specific merchandise.	E	V	<u>G</u>	N	U
* Is alert to customer needs and offers a cart whenever appropriate.	E	V	<u>G</u>	N	U
* Responds quickly to customer inquiries and "Passes the Buck" whenever necessary.	E	V	<u>G</u>	N	U
* Complies with Bridal and Gift Registry program standards when servicing both registrants and guests.	E	V	G	<u>N</u>	U
* Determines customer needs and works to add-on sell. <i>'Beyond opportunity'</i>	E	V	G	<u>N</u>	U
* Has developed good product knowledge; keeps abreast of new items and utilizes this knowledge to enhance service.	E	V	G	<u>N</u>	U
* Answers the phone promptly and uses proper phone etiquette.	E	V	<u>G</u>	N	U

TEAM SKILLS

* Demonstrates initiative and completes projects in a timely manner.	E	V	G	<u>N</u>	U
* Accepts constructive criticism and acts upon it.	E	V	G	<u>N</u>	U
* Maintains a positive outlook toward job.	E	V	<u>G</u>	N	U
* Communicates effectively with Management and other associates.	E	V	<u>G</u>	N	U
* Works the schedule set by the Manager but demonstrates flexibility when needs of the business dictate.	E	V	G	<u>N</u>	U
* Is a team player.	E	V	<u>G</u>	N	U
* Exhibits professional manner, dress and appearance at all times.	E	V	<u>G</u>	N	U

MERCHANDISING & DEPARTMENT MAINTENANCE

* Works to maintain selling floor standards and recovery of the department.	E	V	G	<u>N</u>	U
* Is aware of product sell through and completes pull lists.	E	V	G	<u>N</u>	U
* Demonstrates good product knowledge and uses the information to merchandise the selling floor effectively.	E	V	G	<u>N</u>	U
* Understands and utilizes JDA to resolve selling floor inquiries.	E	V	G	<u>N</u>	U
* Adheres to shortage reduction and compliance procedures.	E	V	<u>G</u>	N	U
* Safely handles equipment and maintains safety awareness.	E	V	<u>G</u>	N	U



REDACTED

MERCHANDISING / STOCK (Page 1 of 2)

Name: _____ Store #: 1094 Date of review: _____

90 DAY REVIEW DUE: 2/16/15 Circle review type & Indicate Date Due:
 ANNUAL REVIEW DUE: 11/16/15 OTHER (_____) Review due: _____
 DATE OF HIRE: 11/16/14

THIS PERFORMANCE REVIEW IS BEING PREPARED BY AND/OR A RESULT OF INPUT FROM THE FOLLOWING MANAGERS:

Printed Name Johnny Mitchell Signature [Signature] Position ASM
 Printed Name _____ Signature _____ Position _____
 Printed Name _____ Signature _____ Position _____
 Printed Name _____ Signature _____ Position _____
 Printed Name _____ Signature _____ Position _____
 Printed Name _____ Signature _____ Position _____

KEY: E - Excellent, V - Very Good, G - Good, N - Needs Improvement, U - Unacceptable

(Draw a line through any skill which isn't applicable.)

Choose one rating
E V G N U**CUSTOMER SERVICE SKILLS**

- * Understands that the customer is our main priority and consistently maintains a customer focus.
- * Ensures a prompt, friendly approach to all customers.
- * Escorts customers seeking location(s) of specific merchandise.
- * Is alert to customer needs and offers a cart whenever appropriate.
- * Responds quickly to customer inquiries and "Passes the Buck" whenever necessary.
- * ~~Complies with Bridal and Gift Registry program standards when servicing both registrants and guests.~~
- * Determines customer needs and works to add-on sell.
- * Has developed good product knowledge; keeps abreast of new items and utilizes this knowledge to enhance service.
- * Answers the phone promptly and uses proper phone etiquette.

E V G N U
 E V G N U
 E V G N U
 E V G N U
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~~E V G N U~~
 E V G N U
 E V G N U
 E V G N U

TEAM SKILLS

- * Demonstrates initiative and completes projects in a timely manner.
- * Accepts constructive criticism and acts upon it.
- * Maintains a positive outlook toward job.
- * Communicates effectively with Management and other associates.
- * Works the schedule set by the Manager but demonstrates flexibility when needs of the business dictate.
- * Is a team player.
- * Exhibits professional manner, dress and appearance at all times.

E V G N U
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 E V G N U

MERCHANDISING & DEPARTMENT MAINTENANCE

- * Works to maintain selling floor standards and recovery of the department.
- * Is aware of product sell through and completes pull lists.
- * Demonstrates good product knowledge and uses the information to merchandise the selling floor effectively.
- * Understands and utilizes JDA to resolve selling floor inquiries.
- * ~~Adheres to shortage reduction and compliance procedures.~~
- * Safely handles equipment and maintains safety awareness.

E V G N U
 E V G N U
 E V G N U
 E V G N U
~~E V G N U~~
 E V G N U

MERCHANDISING / STOCK (Page 2 of 2)

1. ATTENDANCE & PUNCTUALITY:

Acceptable ✓ Not Acceptable _____

2. GOALS AND OBJECTIVES

Objectives Accomplished

List the specific goals and objectives accomplished by the associate during the appraisal period, compared with the results expected from goals established at previous review or during the period.

N/A

Unaccomplished Objectives

List the specific goals and objectives not accomplished by the associate during the appraisal period, compared with the expected results as defined in previous review or during the period.

N/A

Goals and Objectives for next Review Period:

Identify 2-3 quantitative and/or qualitative goals or objectives the associate should focus on during the next review period. (For each goal or objective indicate how accomplishment of goal/objective will be measured and indicate target date for accomplishments.)

REDACTED

Needs to focus on sales through service as well as improving his beyond orders. Calvin should work on obtaining department and product knowledge to better assist customers.

Strengths and Weaknesses:

Describe any of the associate's strengths or weaknesses which you feel are materially related to their performance and which are not addressed elsewhere in this review.

REDACTED

Follows directions and he is a fast learner. Is competent and shows a willingness to learn.

REDACTED

REDACTED

has yet to demonstrate a proactive approach to department issues such as: product shortage on side cap / merchandising with Freight put away.

Circle one rating

3. OVERALL RATING FOR PERIOD

E V G N UDate of Review: 2-24-15

REDACTED

Reviewed associate's signature after review conference:

Signature

02/24/15
Date

Reviewer's signature after review conference:

Signature

2-24-15
DateHector Olayo
Reviewer's Printed Name

Date

EXHIBIT 3

**ASSOCIATE SEPARATION FORM (Use this form whenever an associate resigns or is terminated)**

1. Complete and review sections 1-11 below
 2. Ensure that separating associate reads section 10 and signs as indicated
 3. Review and confirm all hours; change status in Time & Attendance
 4. If applicable, submit final pay request to Corporate Payroll
 5. CT, GA, LA, MA, NJ, NM, NY and TN:
 6. Notify Talx/UC Express via WebSep
 Process your STATE'S SEPARATION NOTICE

1. NAME: Johnny Mitchell SOCIAL SECURITY # REDACT STORE # 1094
 2. JOB CLASSIFICATION (check one): Part Time Full Time XX Mgmt
 (Less than 35 hrs per wk) (35 or more hrs per wk)
 3. START DATE: 2/23/10 LAST DAY WORKED: 8/20/15 SEPARATION DATE: 8/20/15
 (this date represents the last day the associate physically worked) (see ** at bottom of form for situations where SEPARATION DATE differs from LAST DAY WORKED)

4. REASON FOR LEAVING - Check all that apply:**RESIGNATION/VOLUNTARY:**

Better Job Opportunity
Return To School
Medical
Job Abandonment
Scheduled Work Hours ☐ too many / ☐ too few
Other (Give specific reason)

TERMINATION/INVOLUNTARY:

Job Elimination
Poor Performance
X Misconduct
Other

TALX/UCEXPRESS CODE USED:

4800 - violation of company policy

X SEPARATION PROCESSED THRU WEB SEP
 (Check box once completed)

5. COMPANY PROPERTY RETURNED - Check all that apply:

X Keys (store, terminals, thermostats)
X Alarm, telephone and computer access codes erased
Associate loans repaid in full
Name Badge
Other

6. BENEFITS - Check, if applicable:

X Associate informed of COBRA

7. FINAL PAY - Check all that apply:

na Vacation/Floating Holiday/Comp. day adjustment made
 in Time & Attendance
 Indicate plus or minus days for vacation adjustment: _____
 Indicate Floating Hol/Comp. days owed (if applicable) _____
Associate/Employer agree on final check:
Based on 8 days worked for salaried associates
Based on _____ hours worked for hourly associates
Associate received final check today in the amount of \$ _____
If applicable, associate loan paperwork forwarded to payroll
Associate will return to store to pick up check on _____
X If applicable, final paycheck mailed to Address noted in #8

8. CURRENT ADDRESS:

Address 4570 Manor Creek Drive

City Cumming

State GA Zip Code 30040

9. USE BACK SIDE OF THIS FORM FOR ASSOCIATE COMMENTS, IF ANY.**10. Separating associate is to read this section before signing form:**

- An adjustment may be made to your final paycheck for any vacation time you had taken but not yet accrued, or that you had accrued but not yet taken. Any such adjustment is set forth above in Section 7.
- As you leave us, we wanted to remind you of your continuing obligation not to disclose to anyone any confidential business and/or proprietary information regarding Bed Bath & Beyond and its operations. Please also make sure you have returned all documents and other items such as records, computer files, computer disks, manuals and notes relating or belonging to the company. You may not take any such materials with you. These things are important to the company, as you may remember from your associate handbook, and that is why your obligation of confidentiality continues even after you leave employment with us.

I fully understand the information that I read in Section 10. If there is anything that I did not understand, I have asked for an explanation.

Associate's Signature: _____

Date 8/20/15

11. Supervisor's Signature: _____

Date 8-20-15

Store Manager's/Corp Counterpart's Signature: _____

Date 8/20/15

**** EXAMPLES OF SEPARATION DATE DIFFERING FROM LAST DAY WORKED:**

- The Last Day Worked was actually different from the resignation/termination date.
- Job Abandonment: when an associate is absent from work & does not notify the store for a specific period of time; separation date is the date that the decision was made to separate employment.
- Failure to return from LOA/WC: the separation date is the date that the associate was scheduled to return from an approved LOA or WC leave.
- Failure to return from vacation: the separation date is the date in which the associate was scheduled to return from an approved vacation.

ASSOCIATE DISCIPLINARY NOTICE

Associate's Name: Johnny Mitchell

Date: 8/20/15

Date of hire: 2/23/10

SS#: xxx-xx-9742
(last four digits only)

Store #: 1094

Circle one:

Termination

Warning

A. Reason(s) for notice (check applicable reasons and explain in section B):

- | | |
|--|-------------------------------------|
| 1. () Absence (indicate if unreported, excessive, etc.) | 4. () Failure to follow directions |
| 2. () Tardiness | 5. (X) Violation of company rules |
| 3. (X) Improper conduct | 6. (X) Other - theft |

B. Facts leading to the discipline (Be specific, stating detailed explanation of incident, date/time of incident, witness(es), rule violated, etc; refer to any previous verbal and/or written warning(s).)

On multiple occasions since January 2015, Johnny Mitchell has created fraudulent returns for his own personal and financial gain. In addition he took cash from a customer's wallet that was left in the safe. The total amount is \$4500. His actions violate Bed Bath and Beyonds policies, procedures and standards and amount to Gross Misconduct. Johnny's employment with BBBY has ended effective immediately.

C. Describe the Company's expectations of associate:

D. Next disciplinary step:

<u>Hector Olayo</u>	<u>8-20-15</u>	<u>Dustin Zinke</u>	<u>8/20/15</u>
Manager's Name	Date	Manager's Name	Date

<u>[Signature]</u>	<u>8-20-15</u>	<u>[Signature]</u>	<u>8/20/15</u>
Manager's Signature	Date	Manager's Signature	Date

[Signature] 8/20/15
Associate's Signature Date
(This signature indicates that
associate is aware of this notice.)

(Once completed and signed, file in associate's personnel file.)

HR 026A 11/11